

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

**Proposing rule making related to waterfowl hunting
and providing an opportunity for public comment**

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 52, “Wildlife Refuges,” Chapter 91, “Waterfowl and Coot Hunting Seasons,” and Chapter 92, “Migratory Game Birds,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455A.5(6)“a,” 481A.38, 481A.39 and 481A.48.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 481A.48.

Purpose and Summary

This rule making proposes amendments to three chapters governing waterfowl hunting.

Chapter 52 contains regulations designating wildlife refuges. The proposed amendment to that chapter reclassifies the wildlife refuge on the Hawkeye Wildlife Area as a waterfowl refuge.

Chapter 91 contains regulations for hunting waterfowl and coot and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. The proposed amendments to that chapter remove expired zone boundary descriptions, rename and streamline special goose hunting regulations in metropolitan areas, expand the boundaries of the Des Moines metropolitan goose hunting zone, and adjust several areas closed to goose hunting.

Chapter 92 contains regulations for hunting migratory game birds. The proposed amendment to that chapter makes minor adjustments to the description of light goose hunting regulations to ensure the regulations are consistent with the Light Goose Conservation Order authorized by the U.S. Fish and Wildlife Service.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Orrin Jones
 Iowa Department of Natural Resources
 1203 North Shore Drive
 Clear Lake, Iowa 50428
 Fax: 641.357.5523
 Email: orrin.jones@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally will be held via conference call as follows. Persons who wish to attend the conference call should contact Orrin Jones via email. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Orrin Jones prior to the hearing to facilitate an orderly hearing.

April 12, 2022
 11 a.m.

Video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrules 52.1(2) and 52.1(3) as follows:

52.1(2) Wildlife refuges. The following areas under the jurisdiction of the department of natural resources are established as wildlife refuges where posted. It shall be unlawful to hunt, pursue, kill, trap, or take any wild animal, bird, or game on these areas at any time, and no one shall carry firearms thereon, except where and when specifically authorized by the department of natural resources. It shall also be unlawful to trespass in any manner on the following areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
South Twin Lake	Calhoun
Ventura Marsh	Cerro Gordo
Allen Green Refuge.....	Des Moines
Henderson	Dickinson
Ingham Lake	Emmet
Crystal Hills.....	Hancock
Hawkeye Wildlife Area.....	Johnson
Colyn Area.....	Lucas
Gladys Black Eagle Refuge	Marion
Five Island Lake	Palo Alto

Polk City Refuge	Polk
Smith Area	Pottawattamie
Green Valley Lake	Union

52.1(3) Waterfowl refuges. The following areas under the jurisdiction of the department of natural resources are established as waterfowl refuges where posted. It shall be unlawful to hunt ducks and geese on the following areas, where posted, at any time during the year. It shall be unlawful to trespass in any manner on the following areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
Lake Icaria	Adams
Pool Slough Wildlife Area	Allamakee
Rathbun Area	Appanoose, Lucas, Wayne
Sedan Bottoms	Appanoose
Sweet Marsh	Bremer
Big Marsh	Butler
Union Hills	Cerro Gordo
Round Lake	Clay
Jemerson Slough Complex	Dickinson
Forney Lake	Fremont
Riverton Area	Fremont
Dunbar Slough	Greene
Bays Branch	Guthrie
Eagle Flats	Hancock
Eagle Lake	Hancock
Green Island Area	Jackson
Hawkeye Wildlife Area	Johnson
Muskrat Slough	Jones
Red Rock Area	Marion, Polk, Warren
Badger Lake	Monona
Chichaqua Area	Polk
McCausland	Scott
Princeton Area	Scott
Otter Creek Marsh	Tama
Rice Lake Area	Winnebago
Snyder Bend Lake	Woodbury
Elk Creek Marsh	Worth

ITEM 2. Amend subrules 91.1(1) to 91.1(4) as follows:

91.1(1) Zone boundaries. ~~The following zone boundaries apply in the time frames noted:~~

~~a. For the 2020-2021 season, the north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River duck hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south duck hunting zone is the remainder of the state.~~

~~b. For the fall 2021 through spring 2026 seasons, the~~ The north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 20 to the Iowa-Illinois border. The south duck hunting zone is that part of Iowa west

of Interstate 29 and south of State Highway 92 east to the Iowa-Illinois border. The central duck hunting zone is the remainder of the state.

91.1(2) Season dates - north zone.

a.—~~For the 2020-2021 season. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the last Saturday in September and run for 7 days. The second segment of the season will open on the second Saturday in October and continue for 53 consecutive days.~~

b. ~~For the fall 2021 through spring 2026 seasons. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest September 30 and run for 7 days. The second segment of the season will open on the Saturday nearest October 13 and continue for 53 consecutive days.~~

91.1(3) Season dates - ~~south zone/central~~ central zone.

a.—~~For the 2020-2021 season—south zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the first Saturday in October and run for 7 days. The second segment of the season will open on the third Saturday in October and continue for 53 consecutive days.~~

b. ~~For the fall 2021 through spring 2026 seasons—central zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest October 6 and run for 7 days. The second segment of the season will open on the Saturday nearest October 20 and continue for 53 consecutive days.~~

91.1(4) Season dates - ~~Missouri River zone/south~~ south zone.

a.—~~For the 2020-2021 season—Missouri River zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the second Saturday in October and run for 7 days. The second segment of the season will open on the fourth Saturday in October and continue for 53 consecutive days.~~

b. ~~For the fall 2021 through spring 2026 seasons—south zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest October 13 and run for 7 days. The second segment of the season will open on the Saturday nearest October 27 and continue for 53 consecutive days.~~

ITEM 3. Amend subrules 91.3(1) to 91.3(5) as follows:

91.3(1) Zone boundaries. ~~The following zone boundaries apply in the time frames noted:~~

a.—~~For the 2020-2021 season, the north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River goose hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south goose hunting zone is the remainder of the state.~~

b. ~~Effective fall 2021 through spring 2026, the The north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 20 to the Iowa-Illinois border. The south ~~duck~~ goose hunting zone is that part of Iowa west of Interstate 29 and south of State Highway 92 east to the Iowa-Illinois border. The central ~~duck~~ goose hunting zone is the remainder of the state.~~

91.3(2) Season dates - north zone.

a.—~~For the 2020-2021 season. For all geese: The first segment of the regular goose season will begin on the second to last Saturday of September and run for a 16-day period. The second segment of the goose season will open on the second Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

b. ~~For the fall 2021 through spring 2026 seasons. For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 23 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 13 and continue for 53 consecutive days.~~

The goose season will reopen on the Saturday nearest December 13 and remain continuously open until the total number of days used for goose hunting reaches 107.

91.3(3) *Season dates - south-zone/central central zone.*

a. For the 2020-2021 season—south zone. For all geese: The first segment of the regular goose season will begin on the last Saturday of September and run for a 16-day period. The second segment of the goose season will open on the third Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.

b. For the fall 2021 through spring 2026 seasons—central zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 30 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 20 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 20 and remain continuously open until the total number of days used for goose hunting reaches 107.

91.3(4) *Season dates - Missouri River zone/south south zone.*

a. For the 2020-2021 season—Missouri River zone. For all geese: The first segment of the regular goose season will begin on the first Saturday of October and run for a 16-day period. The second segment of the goose season will open on the fourth Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.

b. For the fall 2021 through spring 2026 seasons—south zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest October 6 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 27 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 27 and remain continuously open until the total number of days used for goose hunting reaches 107.

91.3(5) *Bag limit.* The daily bag limit for dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese) is 5 and may include no more than 2 Canada geese from September 16 through October 31 and no more than 3 Canada geese from November 1 through the end of the season during the first segment of the statewide season and no more than 3 Canada geese during the remainder of the statewide season. The daily bag limit for light geese (white and blue-phase snow geese and Ross' geese) is 20.

ITEM 4. Amend subrule 91.3(9) as follows:

91.3(9) *Cedar Rapids/Iowa City goose hunting zone Metropolitan goose hunting seasons and specified areas.*

a. Season dates. The first second Saturday in September for nine consecutive days.

b. Bag limit. Daily bag limit is 5 Canada geese.

c. Possession limit. Three times the daily bag limit.

d. Zone boundary Specified areas.

(1) Cedar Rapids/Iowa City. The Cedar Rapids/Iowa City goose hunting zone area includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; thence south and east along County Road E2W to Highway 920; thence north along Highway 920 to County Road E16; thence east along County Road E16 to County Road W58; thence south along County Road W58 to County Road E34; thence east along County Road E34 to Highway 13; thence south along Highway 13 to Highway 30; thence east along Highway 30 to Highway 1; thence south along Highway 1 to Morse Road in Johnson County; thence east along Morse Road to Wapsi Avenue; thence south along Wapsi Avenue to Lower West Branch Road; thence west along Lower West Branch Road to Taft Avenue; thence south along Taft Avenue to County Road F62; thence west along County Road F62 to Kansas Avenue; thence north along Kansas Avenue to Black Diamond Road; thence west on Black Diamond Road to Jasper Avenue; thence north along Jasper Avenue to Rohert Road; thence west along Rohert Road to Ivy Avenue; thence north along Ivy Avenue to 340th Street; thence west along 340th Street to Half Moon Avenue; thence north along Half Moon Avenue to Highway 6; thence west along Highway 6 to Echo Avenue; thence north along Echo Avenue to 250th

Street; thence east on 250th Street to Green Castle Avenue; thence north along Green Castle Avenue to County Road F12; thence west along County Road F12 to County Road W30; thence north along County Road W30 to Highway 151; thence north along the Linn-Benton County line to the point of beginning.

(2) Des Moines. The Des Moines goose hunting area includes those portions of Boone, Story, Polk, Warren, Madison, Dallas, and Marion Counties bounded as follows: Beginning at the intersection of State Highway 210 and S27 in Story County; thence south along County Road S27 to Polk County; thence south to State Highway 316; thence south to State Highway 5 in Marion County; thence west on State Highway 92 to State Highway 169 in Madison County; thence north on State Highway 169 to State Highway 141 in Dallas County; thence east to State Highway 210; thence north on State Highway 210 to Boone County; thence east on State Highway 210 to the point of beginning.

(3) Cedar Falls/Waterloo. The Cedar Falls/Waterloo goose hunting area includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County; thence south along County Road V49 to County Road D38; thence west along County Road D38 to State Highway 21; thence south along State Highway 21 to County Road D35; thence west along County Road D35 to Grundy Road; thence north along Grundy Road to County Road D19; thence west along County Road D19 to Butler Road; thence north along Butler Road to County Road C57; thence north and east along County Road C57 to U.S. Highway 63; thence south along U.S. Highway 63 to County Road C66; thence east along County Road C66 to the point of beginning.

ITEM 5. Rescind subrules **91.3(10)** and **91.3(11)**.

ITEM 6. Rescind and reserve paragraph **91.4(2)“c.”**

ITEM 7. Amend paragraph **91.4(2)“d”** as follows:

d. Area four. Portions of Winnebago and Worth Counties bounded as follows: Beginning at the junction of U.S. Highway 69 and County Road 105 in the city of Lake Mills; thence east along County Road 105 (including the right-of-way and all other road right-of-ways identified in this description) approximately 2 miles to Apple Ave.; thence south along Apple Ave. to 448th St.; thence east two and one-fourth miles on 448th St. to Cardinal Ave.; thence south one-fourth mile to 445th St.; thence east one-fourth mile to Cedar Ave.; thence south one-half mile on Cedar Ave. to the intersection of Cedar Ave. and 440th St.; thence south one-half mile across the north half of section 16, township 99 north, range 22 west, to the intersection of Cedar Ave. and 435th St.; thence south 2 miles along Cedar Ave. to Lake St.; thence west one-fourth mile along Lake St. to Front St.; thence southeast one-half mile along Front St. to County Road A38 (also named 410th St.); thence west along County Road A38 to County Road R74 (also named 225th Ave.); thence north along County Road R74 to 420th St.; thence west along 420th St. to 220th Ave.; thence north along 220th Ave. to 430th St.; thence west along 430th St. one-half mile; thence north one mile across section 15, township 99 north, range 23 west, to the intersection of 440th St. and 215th Ave.; thence north one-fourth mile on 215th Ave. to 445th St.; thence east and northeast on 445th St. to South 12th Ave. West in Lake Mills; thence east on South 12th Ave. West to South Lake St.; thence north on South Lake St. to point of beginning 225th Ave. (also known as County Road R74) and South 10th Ave. East in the city of Lake Mills; thence east along South 10th Ave. to 445th St. (including the right-of-way and all other road right-of-ways identified in this description); thence east to Apple Ave.; thence north to 448th St. to Bluebill Ave. (also known as County Road S10); thence south to the intersection of North Western St. (also known as Cardinal Ave.) and Lake St. in the city of Joice; thence west on Lake St. (also known as 415th St.) to 418th St.; thence west to Balsam Ave.; thence north to 420th St.; thence west to Aspen Ave.; thence north to 425th St. (also known as County Road A34); thence west to 225th Ave. (also known as County Road R74); thence north on 225th Ave. to the point of beginning.

ITEM 8. Rescind and reserve paragraph **91.4(2)“e.”**

ITEM 9. Amend paragraphs **91.4(2)“g”** and **“h”** as follows:

g. Area seven. Portions of Guthrie and Dallas Counties County bounded as follows: Beginning at the junction of State Highways 4 and 44 in Panora; thence north along State Highway 4 (including the right-of-way) to County Road F25; thence east along County Road F25 (including the right-of-way) to

York Avenue County Road P30 (also known as Wink Avenue); thence south along York Avenue County Road P30 1 mile (including the right-of-way) to 170th Street; thence east one-half mile (including the right-of-way) to A Yellow Avenue in Dallas County; thence south on A Yellow Avenue 5 miles (including the right-of-way) to State Highway 44; thence west along State Highway 44 (including the right-of-way) to the point of beginning.

h. Area eight. A portion of Adams County on any federal-, state-, or county-owned lands or waters within the area bounded as follows by the following roads: Beginning at the intersection of State Highway 148 and Adams County Road N28; thence east along Adams County Road N28 (including the right-of-way) to Adams County Road N53; thence east and north along Adams County Road N53 (including the right-of-way) approximately 4.5 miles to Adams County Road H24; thence west along Adams County Road H24 (including the right-of-way) about 8 miles to Hickory Avenue; thence south along Hickory Avenue (including the right-of-way) about 2.5 miles to Adams County Road N28; thence east along Adams County Road N28 (including the right-of-way) to the point of beginning Beginning at the junction of Ironwood Avenue (also known as State Highway 148) and County Road N28; thence north along Ironwood Avenue to 150th Street; thence east along 150th Street to Corning Carl Road (also known as County Road N53); thence south along Corning Carl Road to County Road N28 (also known as 183rd Street); thence west along County Road N28 to the point of beginning.

ITEM 10. Amend paragraph **91.4(2)“k”** as follows:

k. Area eleven. Starting at the junction of the navigation channel of the Mississippi River and the mouth of the Maquoketa River in Jackson County, proceeding southwesterly along the high-water line on the west side of the Maquoketa River to U.S. Highway 52; thence southeast along U.S. Highway 52 (including the right-of-way) to 607th Avenue; thence east along 607th Avenue (including the right-of-way) to the Sioux Line Railroad; thence north and west along the Sioux Line Railroad to the Green Island levee; thence northeast along a line following the Green Island levee to the center of the navigational channel of the Mississippi River; thence northwest along the center of the navigational channel to the point of beginning the first intersection of Green Island Road; thence northeast along Green Island Road (including right-of-way) to the southeast corner of the Green Island wildlife management area waterfowl refuge; thence north along the waterfowl refuge line and following said refuge line exactly to its northwest corner at the intersection with 501st Avenue; thence north along 501st Avenue (including the right-of-way) to the point where it intersects the east bank of the Maquoketa River; thence proceeding northeasterly along the high-water line on the east side of the Maquoketa River to the junction of the navigation channel of the Mississippi River; thence northwest along the center of the navigational channel to the point of beginning.

ITEM 11. Rescind and reserve paragraph **91.4(2)“m.”**

ITEM 12. Amend paragraph **91.4(2)“n”** as follows:

n. Area fourteen. Portions of Bremer County bounded as follows: Beginning at the intersection of Tahoe Avenue and State Highway 93 (also named 140th Street); thence south along Tahoe Avenue (including the right-of-way and all other road right-of-ways identified in this description) to County Road C33; thence west along County Road C33 to Navaho Avenue; thence north along Navaho Avenue to State Highway 93; thence west along State Highway 93 to U.S. Highway 63; thence north 3 miles along U.S. Highway 63 to 140th Street; thence east along 140th Street for 2 miles and continuing on a similar east line for 2 more miles along the north borders of sections 28 and 29, township 93 north, range 12 west, to County Road V5C (also named 140th Street); thence east about one-half mile on County Road V5C to State Highway 93; thence east on State Highway 93 to the point of beginning County Road C28 (also known as 165th Street); thence west along County Road C28 to State Highway 93; thence north to County Road V5C (also known as Possum Avenue) to 140th Street; thence east along 140th Street to State Highway 93 to the point of beginning.

ITEM 13. Rescind and reserve paragraph **91.4(2)“o.”**

ITEM 14. Amend paragraph **91.4(2)“p”** as follows:

p. Area sixteen. A portion of Union County on any federal-, state-, or county-owned lands or waters within the area bounded as follows by the following roads: Beginning at the intersection of U.S. Highway 34 and County Road P53 near Afton; thence west along U.S. Highway 34 (including the right-of-way and all other road right-of-ways identified in this description) approximately 2.5 miles to Twelve Mile Lake Road; thence north along Twelve Mile Lake Road approximately 5 miles to Union County Road H17; thence north and east along Union County Road H17 to County Road P53; thence south along County Road P53 to the point of beginning.

ITEM 15. Rescind subrule **91.4(3)**.

ITEM 16. Amend subparagraph **91.5(1)“b”(1)** as follows:

(1) Landowners and tenants who own or farm land in the closed areas will be permitted to hunt Canada geese in the closed areas ~~for three years. This experimental hunting opportunity will be evaluated by the landowners and the DNR following each season, at which time changes may be made.~~

ITEM 17. Amend subrule 92.3(11) as follows:

92.3(11) By any of the methods or means prohibited in this rule unless such methods or means have been approved by the U.S. Fish and Wildlife Service for the taking of ~~snow~~ light geese during special ~~snow-geese-only~~ light goose-only seasons or ~~snow-geese-only~~ light goose-only hunts.